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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,586	09/04/2003	Yu-Lien Huang	67,200-1133	7926

7590 07/07/2009
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EXAMINER

LUND, JEFFRIE ROBERT

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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07/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,586

Applicant(s)

HUANG ET AL.

Examiner

Jeffrie R. Lund

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 21-28, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al, US Patent Application Publication 2002/0000197, in view of Schriever, US Patent 4,085,661, and Ohta, US Patent 4,526,132.

Masuda et al teaches a vapor deposition processing apparatus 1 that includes a vacuum process chamber 16 having a vertical chamber wall defining a chamber interior 14, a showerhead 12 having a lateral surface engaging the chamber wall provided in the process chamber. (Figures)

Masuda et al differs from the present invention in that Masuda et al does not

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teach that: the showerhead is held by a plurality of lateral fasteners extending through the chamber wall, each fastener includes a fastener head and threaded shank, and the fasteners structurally isolated from the chamber interior.

Schriever teaches a cylinder wall 3 which forms a chamber, a plurality of lateral fasteners 8 extending through the cylinder wall 3 and attaching an arcuate locking segments 4. Each fastener includes a fastener head and threaded shank, and the fasteners are structurally isolated from the chamber interior.

Ohta teaches the use of lateral screws 52 to attach a gas source 37 to a chamber wall 30. (Figure 2 and 3)

The motivation for attaching the showerhead of Masuda et al with the lateral screws of Schriever is to provide a method of mounting the showerhead of Masuda et al (i.e. an interior part having a lateral surface engaging the chamber wall) as required by Masuda et al but not described and as taught by Ohta. Furthermore, it has been held that applying a known technique to a known device ready for improvement to yield predictable results is obvious (see *KSR International Co. v. Teleflex Inc.*).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the showerhead of Masuda et al using a plurality of lateral fasteners as taught by Schriever and Ohta.

4. Claims 3, 5, 29, 30, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al, Schriever, and Ohta, as applied to claims 1, 2, 21-28, and 31-34 above, and further in view of Lilleland et al, US Patent 6,073,577.

Masuda et al, Schriever, and Ohta differ from the present invention in that they

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do not teach a gas mixing plate and confinement ring.

Lilleland et al teaches an apparatus that includes: a showerhead 14 with a gas mix plate 22; and a confinement ring 17. (Figure 1, column 2 line 22 through column 3 line 14)

The motivation for adding a mixing plate and confinement ring of Lilleland et al to the apparatus of Masuda et al, Schriever, and Ohta is to more uniformly distribute the processing gas.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the gas mixing plate and confinement ring of Lilleland et al to the apparatus of Masuda et al, Schriever, and Ohta.

Response to Arguments

5. Applicant's arguments filed March 27, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that Schriever is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Schriever is reasonably pertinent to the particular problem, i.e. how to attach an element inside a cylinder.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

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combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Masuda et al requires an attachment means and thereby provides motivation; Schriever teaches the use of bolts to attach interior elements through a chamber wall; Ohta et al teaches the use of bolts to attach gas supply elements in CVD apparatus; and it the use of bolts to attach elements is well known in the art.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrie R. Lund whose telephone number is (571) 272-1437. The examiner can normally be reached on Monday-Thursday (10:00 am - 9:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrie R. Lund/
Primary Examiner
Art Unit 1792

JRL
7/5/09